

Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claim 32 is amended. Claims 1-7, 12-13, 17-26, 31, 33-40, 43, and 44 have been canceled without prejudice or disclaimer. New claims 46-49 are added. Claims 8-11, 14-16, 27-30, 32, 41-42, and 45-49 are pending.

Claim 32 has been amended to place it into better form.

Claims 1-7, 12-13, 17-26, 31, 34-35, 37, 39-40, 43 and 44, which have been withdrawn from consideration by the Examiner, have been canceled without prejudice or disclaimer. Claims 33, 36 and 38, which are not directed to the elected embodiment, have also been canceled without prejudice or disclaimer. Applicant reserves the right to pursue these claims in one or more later filed divisional applications.

Newly added claims 46-49 read on the elected embodiment illustrated in Figures 7-11.

Priority claim

In the office action, Applicant's claim for priority from on an earlier filed U.S. application was denied, based upon a petition decision mailed March 30, 2000. Applicant respectfully requests reconsideration.

In a petition decision mailed March 27, 2002, continuity between the present application and application 08/734,817 was restored. As a result, Applicant's claim for benefit of an earlier filing date is proper.

Art rejections

Claims 29-30 are rejected under 35 USC 102(a) as being clearly anticipated by Hajianpour (US 6,042,262).

In addition, claims 8-11, 14-16, 29-30, 32-33, 36, 38, 41-42 and 45 are rejected under 35 USC 102(b) as being clearly anticipated by Chan (US 5,779,356).

In addition, claims 8-11, 14-16, 27-30, 32-33, 36, 38, 41-42 and 45 are rejected under 35 USC 102(b) as being clearly anticipated by WO 94/26403.

In addition, claims 8-11, 14-16, 27-30, 32-33, 36, 38, 41-42 and 45 are rejected under 35 USC 102(d) as being clearly anticipated by WO 94/26403.



In addition, claims 27-29 are rejected under 35 USC 102(b) as being clearly anticipated by JP 6-100056.

Applicant traverses each of these rejections, and reconsideration is requested in view of the following.

As discussed above, continuity has been restored between the present application and 08/734,817 filed on October 22, 1996, which claims priority from U.S. Application 08/545,591 filed on November 13, 1995, which was a national stage application of PCT/SE94/00415 filed on May 6, 1994, which claims priority from SE 9301599-8 filed in Sweden on May 10, 1993.

Hajianpour has an effective filing date of, at best, July 29, 1997. Chan has an effective filing date of, at best, February 21, 1996. With respect to WO 94/26403, Applicant claims priority to PCT/SE94/00415. JP 6-100056 appears to have a publication date of April 1994. As a result of the March 27, 2002 petition decision restoring continuity, Applicant believes that Hajianpour, Chan, WO 94/26403, and JP 6-100056 are not available as prior art against claims 8-11, 14-16, 27-30, 32, 41-42 and 45.

Withdrawal of the rejections is requested.

New claims 46-49 recite subject matter that is supported by the disclosure in WO 94/26403, from which the present application claims priority. As a result of the March 27, 2002 petition decision restoring continuity, Applicant believes that Hajianpour, Chan, WO 94/26403, and JP 6-100056 are not available as prior art against claims 46-49.



Conclusion

With these amendments Applicants believe that the application is in condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is welcome to contact Applicants' representative at the number listed below.

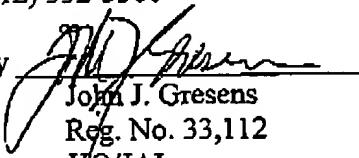
Respectfully Submitted,



Dated: June 3, 2002

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

By


John J. Gresens
Reg. No. 33,112
JJG/JAL

S/N 08/968,034

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	JONSSON	Examiner:	T. SOOHOO
Serial No.:	08/968,034	Group Art Unit:	1723
Filed:	NOVEMBER 12, 1997	Docket No.:	11709.45USC1
Title:	METHOD AND DEVICE FOR FEEDING COMPONENTS FOR BONE CEMENT INTO A MIXING VESSEL FOR THESE		

Marked-up Copy Showing Changes Made

RECEIVED
JUN 3 2002
GROUP 1700

In the Claims

Claims 1-7, 12-13, 17-26, 31, 33-40, 43, and 44 have been canceled without prejudice or disclaimer.

Claim 32 has been amended as follows.

32. (Amended) A method for [successively] feeding [in an arbitrary sequence batches of] a liquid bone cement component [(A)] into a mixing vessel [(2)] maintained under vacuum for the preparation of [said] bone cement wherein said mixing vessel [(2)] is provided with a predetermined amount of [said] a powder component [(B)] of said cement, the method comprising the steps of:

providing a mixing vessel [(2) which said vessel is] defined by a cylindrical [cylinder] container having an open interior [(2a)] with a spout [(5)] attached to one end of said [cylinder] container, and having an axially displaceable bottom [(80)];

inserting a mixing agitator [(6)] within said [spout] mixing vessel so as to communicate with said vessel interior [(2a)], said agitator [(6)] comprised of a tubular rod [(6b)] having an agitator disk [(6a)] fixed on one end thereof, said other end being] and having a second, open end [and] defining a mouth, said mouth being located axially above said spout of said vessel, said agitator [(6)] being axially [displaced] displaceable such that said agitator disk [(6a)] can mix both of said bone cement components [(A, B)] together;

placing a container in said mouth of said tubular rod, said container [which has] having an [open] interior space for receiving a glass ampoule [(11)] and a threadable cap [(18)] for pushing downwards on said ampoule, said interior space including a means [(13a)] for

E

breaking said ampoule [(11)] when said cap [(18)] pushes on said ampoule [(11)] thereby allowing said container to feed liquid [(A)] into said vessel [(2) in said mouth of said tubular rod (6b).]; and

[operatively connecting container (9) and rod (6b) for using the container (9) as a handle during mixing,] axially displacing said agitator [(6)] so as to mix said liquid and powder components [(A, B)] under vacuum, without allowing harmful emissions to escape said mixing vessel.

New claims 46-49 are added as follows.

46. (New) An apparatus for mixing liquid and powder bone components for preparation of bone cement, comprising:

a mixing vessel having an interior space defined by an outer wall having a top end with a sealable opening, and a bottom end with an axially displaceable wall;

a vacuum source connected to the interior space of said mixing vessel for maintaining the interior space of said mixing vessel under vacuum;

an agitator for mixing the liquid and powder bone cement components within the interior space of said mixing vessel, said agitator including an agitator disk disposed within the interior space and a tubular rod connected to said agitator disk and having an open end thereof extending through said sealable opening to the exterior of said mixing vessel, said agitator disk and said tubular rod are axially displaceable relative to said mixing vessel; and

a feed arrangement for feeding the liquid or powder bone cement component into the interior space of said mixing vessel, said feed arrangement includes a container that contains the liquid or powder bone cement component within an interior thereof, and said container includes an open end that is engageable with said open end of said tubular rod for feeding the liquid or powder bone cement component through the tubular rod into the interior space of said mixing vessel, and said container includes an aperture that places the interior of said container in communication with atmosphere.

47. (New) The apparatus according to claim 46, wherein the interior of said container contains an ampoule holding the liquid bone cement component.



48. (New) The apparatus according to claim 47, further comprising a cap secured to an end of said container opposite said open end thereof, said cap is engageable with said ampoule and is displaceable relative to said container for breaking said ampoule to release the liquid bone cement component.

49. (New) The apparatus according to claim 48, wherein said aperture is provided in said cap.

E